

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:22-cr-124-MJN-1

vs.

JOSHUA A. HUGHES,

District Judge Michael J. Newman

Defendant.

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**ORDER: (1) WITHDRAWING THE REFERENCE OF DEFENDANT’S MOTION TO  
REVOKE HIS DETENTION ORDER (DOC. NO. 55) TO THE MAGISTRATE JUDGE  
(DOC. NO. 58); AND (2) CLARIFYING THAT JUDGE NEWMAN WILL RULE ON  
THE MOTION TO REVOKE DETENTION**

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This case is before the Court following the issuance of a reference—referring Defendant’s motion “to revoke [his] detention order” (Doc. No. 55 at PageID 267)—to the Magistrate Judge who ruled on Defendant’s initial detention order. Doc. No. 58. To that end, the Court notes that, although the motion cites 18 U.S.C. §3145(b) in the caption (which authorizes a District Judge to review motions to revoke or amend detention orders), the body of the motion cites new facts accruing since the date the detention order was issued. Doc. No. 55 at PageID 268 (discussing Defendant’s substance abuse treatment history and noting that “his four-month detention, to date, has helped his resolve to remain drug-free.”). Accordingly, acting in an abundance of caution—and believing that relief might be sought, instead, under 18 U.S.C. §3142(f) (which authorizes the reopening of a detention hearing if a Magistrate Judge “finds that information exists that was not known to the movant at the time of the hearing”)—the Court referred the motion to the Magistrate Judge to further consider the issue of detention.

Now understanding that Defendant's counsel seeks relief exclusively under §3145(b), the order of reference to the Magistrate Judge is **WITHDRAWN**. The undersigned will rule on the pending motion.

**IT IS SO ORDERED.**

January 6, 2023

s/Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge